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9 *Attorneys for Defendant Barnesandnoble.com LLC*

10
11 Spring Design Inc.,

12 Plaintiff,

13 vs.

14 Barnesandnoble.com LLC,

15 Defendant.

16 CASE NO. 5:09-cv-05185-JW

17 **STIPULATION AND ORDER TO EXCEED PAGE LIMIT ON
18 DEFENDANT'S OPPOSITION TO PLAINTIFF SPRING DESIGN INC.'S
19 MOTION FOR A PRELIMINARY INJUNCTION AND PLAINTIFF'S REPLY
IN SUPPORT OF ITS MOTION FOR A PRELIMINARY INJUNCTION**

20 Trial Date: None set

STIPULATION

WHEREAS, plaintiff Spring Design Inc. (“Spring”) filed a complaint against defendant Barnesandnoble.com LLC (“B&N”) on November 2, 2009 and a first amended complaint on November 11, 2009;

WHEREAS, Spring filed a motion for a preliminary injunction against B&N on November 11, 2009, along with a motion to shorten time and an administrative motion to exceed page limits on its preliminary injunction motion;

8 WHEREAS, on November 13, 2009, the Court granted Spring's Administrative Motion
9 for Leave To Exceed Page Limit for Its Motion for a Preliminary Injunction, allowing Spring's
10 preliminary injunction motion to increase in length from twenty-five (25) to thirty (30) pages:

WHEREAS, pursuant to the Court's November 13, 2009 Order granting, as modified, Spring's Motion To Shorten Time, B&N's opposition to Spring's preliminary injunction motion is due on November 20, 2009, and Spring's reply in support of its preliminary injunction motion is due on November 23, 2009;

WHEREAS, Civil Local Rule 7-4(b) sets forth a limit of twenty-five (25) pages for B&N's opposition brief and fifteen (15) pages for Spring's reply brief;

17 WHEREAS, the parties agree that B&N should be permitted to file an opposition brief
18 that does not exceed thirty (30) pages; and Spring should be permitted to file a reply brief that
19 does not exceed eighteen (18) pages.

20 NOW, WHEREFORE, pursuant to Civil Local Rule 7-11, B&N and Spring stipulate as
21 follows:

22 B&N may exceed the 25-page limit by five (5) pages, thus changing the maximum length
23 of its opposition to Spring's motion for a preliminary injunction to thirty (30) pages exclusive of
24 exhibits, attachments, declarations, table of contents, table of authorities, and proof of service.
25 Spring may exceed the 15-page limit by three (3) pages, thus changing the maximum length of
26 its reply in support of its motion for a preliminary injunction to eighteen (18) pages exclusive of

1 exhibits, attachments, declarations, table of contents, table of authorities, and proof of service.

2

3 IT IS SO AGREED AND STIPULATED.

4

5 DATED: November 19, 2009

QUINN EMANUEL URQUHART OLIVER &
6 HEDGES, LLP

7 By /s/ Melissa J. Baily

8 Melissa J. Baily

9 Attorneys for Defendant Barnesandnoble.com LLC

10 DATED: November 19, 2009

FENWICK & WEST LLP

11

12 By /s/ David Hadden

13 J. David Hadden

14 Attorneys for Plaintiff Spring Design Inc.

15

16 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

17 Pursuant to General Order No. 45, § X(B), regarding signatures, I attest under penalty of
18 perjury that the concurrence in the filing of this document has been obtained from its signatories.

19

20 Dated: November 19, 2009

21 By: /s/ Melissa J. Baily
22 Melissa J. Baily

1 [PROPOSED] ORDER
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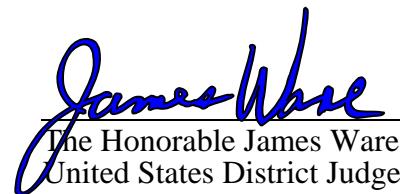
3 Based on the foregoing stipulation of the parties, it is hereby ordered that:

4 The page limit for Defendant Barnesandnoble.com LLC's opposition to Plaintiff's Motion
5 for a Preliminary Injunction, due November 20, 2009, shall be thirty (30) pages. The page limit
6 for Plaintiff Spring Design, Inc.'s reply, due November 23, 2009, shall be eighteen (18) pages.

7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

8 This Order terminates Defendant's Motion to Extend Page Limits (Docket Item No. 33).

9 DATED: November 20, 2009
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The Honorable James Ware
United States District Judge

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